

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF MASSACHUSETTS  
3

4 UNITED STATES OF AMERICA, )  
5 vs. ) Criminal Action  
6 SHAWN HERRON, ) No. 20-10145-FDS  
7 Defendant )  
8 )  
9 )

10 BEFORE: THE HONORABLE F. DENNIS SAYLOR, IV  
11

12 RULE 11 HEARING  
13

14 John Joseph Moakley United States Courthouse  
15 Courtroom No. 10  
16 1 Courthouse Way  
Boston, MA 02210

17 October 22, 2021  
18 10:08 a.m.  
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21  
22  
23 Valerie A. O'Hara  
24 Official Court Reporter  
John Joseph Moakley United States Courthouse  
25 1 Courthouse Way  
Boston, MA 02210  
E-mail: vaohara@gmail.com

1 APPEARANCES:

2 For The United States:

3 United States Attorney's Office, by EUGENIA M. CARRIS,  
4 ASSISTANT UNITED STATES ATTORNEY, 1 Courthouse Way,  
Suite 9200, Boston, Massachusetts 02210;

5 For the Defendant:

6 Law Office of Bernard Grossberg, by  
7 BERNARD GROSSBERG, ESQ., 38 Green Street, Milton,  
Massachusetts 02185.

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1 PROCEEDINGS

2 THE CLERK: Court is now in session in the matter  
3 of United States vs. Shawn Herron, Matter Number 20-10145.

4 Would counsel please identify themselves for the  
5 record, starting with the government.

6 MS. CARRIS: Good morning, your Honor,  
7 Eugenia Carris for the United States. Mr. Dell'Anno  
8 apologizes for not being here. He's been required to  
9 quarantine.

10:08AM 10 THE COURT: All right. Good morning.

11 MR. GROSSBERG: Good morning, your Honor,  
12 Bernard Grossberg for Mr. Herron, who is present.

13 THE COURT: All right. Good morning. Am I  
14 correct that we are here for a change of plea without a  
15 plea agreement?

16 MS. CARRIS: That's correct, your Honor.

17 MR. GROSSBERG: Yes, your Honor.

18 THE COURT: Mr. McKillop, would you please swear  
19 the defendant.

10:08AM 20 (Defendant was sworn.)

21 THE COURT: Mr. Herron, do you understand that you  
22 are now under oath and that if you answer any of my  
23 questions falsely, your answers may later be used against  
24 you in another prosecution for perjury or making a false  
25 statement?

1 THE DEFENDANT: I do.

2 THE COURT: What is your full name?

3 THE DEFENDANT: Shawn Michael Herron.

4 THE COURT: How old are you?

5 THE DEFENDANT: Forty-six.

6 THE COURT: How far did you go in school?

7 THE DEFENDANT: High school graduate.

8 THE COURT: Are you a citizen of the

9 United States?

10:09AM 10 THE DEFENDANT: I am.

11 THE COURT: Have you been recently treated for or  
12 diagnosed with any mental illness or psychiatric or  
13 psychological problem of any kind?

14 THE DEFENDANT: No.

15 THE COURT: Have you been recently treated for or  
16 diagnosed with any drug addiction or drug problem or  
17 alcohol problem of any kind?

18 THE DEFENDANT: No.

19 THE COURT: As you sit here today, are you under  
10:09AM 20 the influence of any medication or drug or alcoholic  
21 beverage of any kind?

22 THE DEFENDANT: Yes.

23 THE COURT: What is that?

24 THE DEFENDANT: A prescription medication for  
25 anxiety, Zoloft and Lamictal.

1 THE COURT: Does that in any way interfere with  
2 your ability to think clearly?

3 THE DEFENDANT: It does not.

4 THE COURT: Or your ability to understand what  
5 we're here today to do?

6 THE DEFENDANT: No, your Honor.

7 THE COURT: Mr. Grossberg, are you aware of any  
8 reason that we cannot continue?

9 MR. GROSSBERG: No, your Honor. We discussed  
10:10AM 10 this, and I don't think it impairs his ability to proceed.

11 THE COURT: Mr. Herron, have you received a copy  
12 of the indictment pending against you, that is, the written  
13 charges made against you in this case?

14 THE DEFENDANT: Yes.

15 THE COURT: Have you fully discussed the charges  
16 against you and the facts and circumstances of your case  
17 with Mr. Grossberg as your lawyer?

18 THE DEFENDANT: I have, yes.

19 THE COURT: Are you fully satisfied with the  
10:10AM 20 counsel and representation and advice given to you in this  
21 case by your lawyer, Mr. Grossberg?

22 THE DEFENDANT: Yes.

23 THE COURT: Do you understand that you do not have  
24 any kind of plea agreement with the United States  
25 Government?

1 THE DEFENDANT: I do.

2 THE COURT: Has anyone made any promise or  
3 assurance to you of any kind in an effort to get you to  
4 plead guilty?

5 THE DEFENDANT: No.

6 THE COURT: Has anyone attempted in any way to  
7 force you to plead guilty or to threaten you if you did  
8 not?

9 THE DEFENDANT: No.

10:10AM 10 THE COURT: Are you pleading guilty of your own  
11 free will because you are in fact guilty?

12 THE DEFENDANT: Yes.

13 THE COURT: Do you understand that the crimes to  
14 which you are pleading guilty are felonies?

15 THE DEFENDANT: Yes.

16 THE COURT: Do you understand that if I accept  
17 your plea, you will be judged guilty of those crimes?

18 THE DEFENDANT: Yes.

19 THE COURT: Ms. Carris, would you please state the  
10:11AM 20 maximum possible penalty provided by law and any applicable  
21 mandatory minimum penalty?

22 MS. CARRIS: Your Honor, as to Count 1, which  
23 charges conspiracy to distribute and to possess with intent  
24 to distribute cocaine, a controlled substance, the maximum  
25 charge is 20 years' incarceration, five years' supervised

1 release, a \$500,000 fine, forfeiture and restitution to the  
2 extent charged in the indictment and a \$100 special  
3 assessment.

4 As to Count 2, which charges theft of mail by  
5 postal employee, the maximum penalties are five years'  
6 incarceration, three years of supervised release, a  
7 \$250,000 fine and a \$100 special assessment.

8 THE COURT: And are there any live forfeiture  
9 issues?

10:11AM 10 MS. CARRIS: There are, your Honor. There is a  
11 forfeiture count relating to the drug charge for a \$4,000  
12 forfeiture money judgment.

13 THE COURT: All right. Mr. Herron, do you  
14 understand that the maximum prison term on Count 1 is 20  
15 years?

16 THE DEFENDANT: Yes.

17 THE COURT: Do you understand that the maximum  
18 prison term on Count 2 is five years?

19 THE DEFENDANT: Yes.

10:12AM 20 THE COURT: Do you understand that in addition to  
21 a prison term, I will have the power to give you a term of  
22 supervised release of up to five years on Count 1 and three  
23 years on Count 2?

24 THE DEFENDANT: Yes.

25 THE COURT: Do you understand that if you violate

1 the conditions of your supervised release, you could be  
2 given additional time in prison?

3 THE DEFENDANT: Yes.

4 THE COURT: Do you understand that the maximum  
5 fine on Count 1 is \$500,000 and the maximum fine on Count 2  
6 is \$250,000?

7 THE DEFENDANT: Yes.

8 THE COURT: Do you understand that by pleading  
9 guilty, there may be forfeiture consequences, and you may  
10:12AM 10 be required to forfeit certain property to the  
11 United States?

12 THE DEFENDANT: Yes.

13 THE COURT: Do you understand that in addition to  
14 everything else, you'll be required to pay a \$100 special  
15 assessment on each count for a total of \$200?

16 THE DEFENDANT: Yes.

17 THE COURT: Do you understand all of those  
18 possible consequences of pleading guilty, a term of  
19 imprisonment, a term of supervised release, a fine, a  
10:13AM 20 forfeiture and a special assessment?

21 THE DEFENDANT: I do.

22 THE COURT: Do you understand that by being judged  
23 guilty, you may lose valuable civil rights, including the  
24 right to vote, the right to hold public office, the right  
25 to serve on a jury and the right to possess a gun?



1 THE DEFENDANT: Yes.

2 THE COURT: I now want to talk to you about the  
3 United States Sentencing Guidelines and how they might  
4 affect your sentence. The Sentencing Guidelines have been  
5 issued for judges to follow when determining the sentence  
6 in a criminal case.

7 They are not mandatory. That means I do not have  
8 to follow them, but nonetheless they are important. Have  
9 you and your lawyer talked about the Sentencing Guidelines  
10:13AM 10 and how they might apply to you?

11 THE DEFENDANT: Yes.

12 THE COURT: Do you understand that I will not be  
13 able to determine your guideline sentence until after  
14 probation has prepared a pre-sentence report?

15 THE DEFENDANT: Yes.

16 THE COURT: Do you understand that that  
17 pre-sentence report will contain information about you and  
18 your criminal history, if you have one, and the crimes you  
19 committed?

10:14AM 20 THE DEFENDANT: Yes.

21 THE COURT: Do you understand that the report will  
22 also contain a recommended application of the Sentencing  
23 Guidelines?

24 THE DEFENDANT: Yes.

25 THE COURT: Do you understand that you'll have an

1 opportunity to read that report and to go over it with your  
2 lawyer?

3 THE DEFENDANT: Yes.

4 THE COURT: Do you understand that you'll have an  
5 opportunity to object to anything in that report and to  
6 challenge any facts reported in it and to challenge the  
7 application of the Sentencing Guidelines?

8 THE DEFENDANT: Yes.

9 THE COURT: Do you understand that under the  
10:14AM 10 guideline system, I may have the authority to depart from  
11 the guideline sentence and to give you a sentence that's  
12 either higher or lower than what they call for?

13 THE DEFENDANT: Yes.

14 THE COURT: Do you understand although I am not  
15 required to follow the Sentencing Guidelines, I am required  
16 to consider the guidelines before I impose sentence on you?

17 THE DEFENDANT: Yes.

18 THE COURT: And do you understand that by law, I'm  
19 also required to consider a number of different sentencing  
10:15AM 20 factors, including such things as the nature and

21 circumstances of the crime, your personal history and  
22 characteristics, and the need for the sentence to reflect  
23 the seriousness of the offense, promote respect for the  
24 law, provide just punishment, provide adequate deterrence,  
25 and protect the public?

1 THE DEFENDANT: Yes.

2 THE COURT: Do you understand that you will not be  
3 permitted to withdraw your plea of guilty if your sentence  
4 is longer than you expected or you're unhappy with your  
5 sentence or it's different from any sentence that your  
6 lawyer might have predicted?

7 THE DEFENDANT: Yes.

10:15AM

8 THE COURT: Do you understand that parole has been  
9 abolished and if you are sentenced to prison, you will not  
10 be released early on parole?

11 THE DEFENDANT: Yes.

12 THE COURT: Do you understand that you or the  
13 government or both may have the right to appeal any  
14 sentence that I impose?

15 THE DEFENDANT: Yes.

16 THE COURT: All right. Mr. Herron, do you  
17 understand you have the right to plead not guilty to any  
18 crime charged against you and to go to trial?

19 THE DEFENDANT: Yes.

10:16AM

20 THE COURT: Do you understand you have a right to  
21 a trial by jury?

22 THE DEFENDANT: Yes.

23 THE COURT: Do you understand that at the trial,  
24 you would be presumed innocent, and the government would  
25 have to prove your guilt beyond a reasonable doubt?

1 THE DEFENDANT: Yes.

2 THE COURT: Do you understand that at the trial,  
3 you would have the right to the assistance of counsel for  
4 your defense?

5 THE DEFENDANT: Yes.

6 THE COURT: Do you understand that you would have  
7 the right to see and hear all the witnesses against you and  
8 to have them cross-examined in your defense?

9 THE DEFENDANT: Yes.

10:16AM 10 THE COURT: Do you understand that you would have  
11 the right to require witnesses to come to court to testify  
12 in your defense?

13 THE DEFENDANT: Yes.

14 THE COURT: Do you understand that you would have  
15 the right, if you chose to exercise it, to testify in your  
16 defense?

17 THE DEFENDANT: Yes.

18 THE COURT: Do you understand that you would have  
19 the right to refuse to testify and to refuse to put on  
10:16AM 20 evidence unless you voluntarily elected to do so?

21 THE DEFENDANT: Yes.

22 THE COURT: Do you understand that if you decided  
23 not to testify or not to put on any evidence, those facts  
24 could not be used against you?

25 THE DEFENDANT: Yes.

1 THE COURT: Do you understand that by pleading  
2 guilty here today, if I accept your plea, there will be no  
3 trial, and you'll have waived your right to a trial?

4 THE DEFENDANT: Yes.

5 THE COURT: Ms. Carris, would you please summarize  
6 the charges against the defendant describing the essential  
7 elements of each offense charged?

8 MS. CARRIS: Your Honor, in Count 1, the defendant  
9 is charged with a violation of 21, United States Code,  
10:17AM 10 Section 846, conspiracy to distribute and to possess with  
11 intent to distribute cocaine.

12 The elements there are that the government must  
13 prove an agreement that is specified in the indictment, not  
14 some other agreement or agreements that existed between at  
15 least two people to possess with the intent to distribute  
16 cocaine, that the defendant willfully joined in that  
17 agreement, and that one of the conspirators committed an  
18 overt act during the period of the conspiracy in an effort  
19 to further the purpose of the conspiracy.

10:17AM 20 In addition, your Honor, the government would have  
21 to prove that cocaine is a Scheduled II controlled  
22 substance, which is defined in Title 21, United States  
23 Code, Section 841.

24 Excuse me, as to Count 2, I forgot there was a  
25 Count 2, the defendant is charged in violation of 18

1 United States Code, Section 1709, which is theft of mail by  
2 postal employee.

3 There, the government would have to prove beyond a  
4 reasonable doubt that the defendant was employed by the  
5 United States Postal Service at the time of the offense,  
6 that while working as a postal employee, the defendant had  
7 possession of a letter package bag and that the defendant  
8 stole or wrongfully removed any article or thing contained  
9 in that letter package bag or mail knowing it belonged to  
10 someone else.

10:18AM

11 THE COURT: All right. Mr. Herron, do you  
12 understand what the government would have to prove beyond a  
13 reasonable doubt in order for you to be found guilty at the  
14 trial as to each of those charges?

15 THE DEFENDANT: Yes.

16 THE COURT: Ms. Carris, would you please state the  
17 factual basis for the plea, that is, what the government  
18 would be prepared to prove if this case were to go to  
19 trial?

10:19AM

20 MS. CARRIS: Your Honor, at trial, the government  
21 would present evidence in the form of witness testimony as  
22 well as records from the United States Postal Service and  
23 Mr. Herron's cellular telephone that would have shown that  
24 from approximately September, 2018 through the time of his  
25 arrest on the criminal complaint underlying this matter in

1 February of 2020 that the defendant profiled priority mail  
2 parcels primarily from Puerto Rico but also from certain  
3 states in the west coast of the United States, removed them  
4 from the United States mail stream, took them to his  
5 personal office space or elsewhere within the postal office  
6 at Fall River and stole their contents if they contained  
7 narcotics.

8 Now, your Honor, for the period of time that I  
9 just outlined, Mr. Herron was the manager of the Fall River  
10:20AM 10 Post Office, and the government's case would begin with a  
11 priority mail parcel that was received in Fall River in  
12 September of 2019.

13 That case, that parcel, your Honor, was found by  
14 the postmaster of the Fall River Post Office in  
15 Mr. Herron's office closet.

16 The evidence would show that the parcel had been  
17 processed at the U.S. postal facility in Providence, but it  
18 was never scanned as arrived on unit in Fall River. This,  
19 your Honor, would be part of the scheme of how Mr. Herron  
10:20AM 20 stole a number of packages, that is, before they were  
21 scanned in as arrival on unit in Fall River, he would  
22 remove them from the mail stream and steal their contents.

23 Upon finding this package, the postmaster alerted  
24 agents, and, thus, the investigation began.

25 There are several other packages of concern, too,

1 in October of 2019 that were from California that were  
2 never delivered to their intended recipient. When the  
3 customer called Mr. Herron in his role as manager of Fall  
4 River, Mr. Herron told them that those packages had  
5 actually been put back in to be sent back to him, however,  
6 that wasn't true.

7 Scanning records revealed that the parcels arrived  
8 in Fall River and then disappeared. There were also  
9 several packages, your Honor, that the defendant stole that  
10:21AM 10 he believed contained marijuana. We have text messages  
11 that I will outline in a moment that show that he attempted  
12 to sell these packages totaling what he thought was 80  
13 pounds of marijuana but what turned out to be hemp, which  
14 is a legal substance, to individuals associated with his  
15 brother.

16 In November, 2019 specifically, your Honor, and  
17 this is the package referencing Count 2 of the indictment  
18 on or about November 27th, 2019, the postmaster discovered  
19 another priority mail package on Mr. Herron's desk.

10:22AM 20 This package also had been processed in Providence  
21 but never scanned in as having arrived at Fall River.  
22 Investigators were called and saw that the package had been  
23 opened and tampered with and was empty.

24 Agents also installed, your Honor, covert cameras  
25 in the public areas of the Fall River Post Office, and



1       there is evidence of Mr. Herron inappropriately handling  
2       packages from that time through his arrest in February.

3               Now, as the Court may recall from the motion to  
4       suppress hearing, Mr. Herron confessed to this scheme prior  
5       to his arrest in February, and his confession confirms what  
6       agents had determined through the course of the  
7       investigation, that is, that he had targeted packages, he  
8       indicated that he stole at least 15 packages from the mail  
9       over the course of the conspiracy, and he did so at the  
10:23AM 10       urging of his brother, who was working with an individual  
11       known to the defendant and his brother as having been  
12       someone who distributes drugs in and around the Brockton  
13       area.

14               Mr. Herron would be instructed which packages to  
15       target, mostly, as I said, from Puerto Rico but some from  
16       states, including California and Oregon, and specifically,  
17       your Honor, he had been told to target packages containing  
18       cocaine.

19               Now, going to back to the November 27th package,  
10:24AM 20       your Honor, Mr. Herron agreed and agents downloaded the  
21       contents of his cell phone and text messages soon after the  
22       November 27th incident confirm that Mr. Herron had taken  
23       what he believed to be cocaine out of the package to sell  
24       to an individual by the name of Bill, who was his brother's  
25       drug contact.

1           And I want to just summarize some of the text  
2           messages between the defendant and his brother from that  
3           time period, specifically texts from November 29th and  
4           November 30th of 2019.

5           Mr. Herron says, "Do you open it? Did you open  
6           it?"

7           His brother replies, "It's wrapped really good."

8           Mr. Herron says, "Should be a full one, I hope."

9           His brother replies, "It's not a full one I don't  
10:25AM 10          think."

11          Mr. Herron says, "Are you going with him to find  
12          out?"

13          His brother says, "He will Facetime me."

14          A little while later, his brother says, "It was  
15          271, and he said it's not the best, he will give you four."

16          Mr. Herron says, "Four for half a key? Is he  
17          fucking kidding me?"

18          His brother says, "It's less than a half. I told  
19          him more. He said I can pick it up."

10:25AM 20          Mr. Herron says, "He needs to give me five, at  
21          least, but if he's stuck on four, I'll take it, and he can  
22          fuck off. I don't believe for one second that it was only  
23          271 grams. He just lost a ton of money, boy. He should be  
24          going 50-50 with me. That's 13K worth of shit. It's at  
25          least five, or he gets nothing."

1           His brother replies, "He says he's not low balling  
2     you, he's going by how it's mixed. Your call. My other  
3     boy isn't back until Wednesday. He's watching his son's  
4     college ball this week."

5           Mr. Herron replies, "I'll take the four and he can  
6     go fuck himself, no more for him. What time is this cheap  
7     low-balling prick giving you the money today?"

8           His brother replies, "He says this morning." This  
9     is the following day.

10:26AM 10           Mr. Herron says, "Okay, perfect. Can you meet me  
11     at Home Depot? I'm at Brockton. I'm Crescent Street."

12           Your Honor this 4,000 is the basis of the  
13     forfeiture that is in the indictment.

14           I would note that there would be testimony that  
15     cocaine is a Scheduled II controlled substance, and that,  
16     as I said, Mr. Herron -- and that there would also be  
17     testimony that "kilogram" or "key" is in reference to  
18     drugs. The agent would testify that the pricing appears to  
19     be cocaine and not fentanyl or heroin, which might also be  
10:27AM 20     measured in grams.

21           With regard to the text messages that reference  
22     the fake marijuana, those are between November 16, 2019 and  
23     December 1, 2019, again, between Mr. Herron and his  
24     brother.

25           Mr. Herron begins, "He's pulling some BS, it's 35

1 or fuck Jim and his bullshit. He's had it for hours. It's  
2 35 and not a penny lower. 35 for 80P is a steal."

3 Then later, he says, "Tell him 28 for all. See  
4 what he's willing to pay, maybe 400 each for 32." That is  
5 per pound, your Honor.

6 "When we going to know? I have big plans for that  
7 money, and he backed out. He's going to make more than 350  
8 per pound if he'd just write it up, I'd say. I'd want to  
9 get a hit run for my back room and new windows and a tile  
10:28AM 10 floor back there. Would he be willing to take it at 24K?  
11 That's the lowest I'd say I'd go. That's 300 each."

12 Later on, Mr. Herron continues, "Bring them over.  
13 I haven't seen them in a long time. Even if I get 12 to  
14 15K, I could care less."

15 "FYI, that stuff is not home grown, it's from a  
16 farm in Oregon. That's what the fake paperwork is. They  
17 use the fake paperwork to make it look legit."

18 His brother says, "I have it, but there's like no  
19 crystals on it. I will get it, but just so you know, it's  
10:28AM 20 CBS, not weed."

21 Mr. Herron says, "What is CBS?"

22 He says, "CBD, it's imitation weed."

23 I think that covers it, your Honor.

24 THE COURT: All right. Mr. Herron, do you  
25 disagree with anything in the government's description of

1 the facts?

2 THE DEFENDANT: No.

3 THE COURT: All right. I will take the change of  
4 plea.

5 THE CLERK: Mr. Herron, please stand. Count 1 of  
6 the indictment charges you with conspiracy to distribute  
7 and to possess with intent to distribute controlled  
8 substance in violation of Title 21, United States Code,  
9 Section 846.

10:29AM 10 How do you now wish to plead, guilty or not  
11 guilty?

12 THE DEFENDANT: Guilty.

13 THE CLERK: Count 2 of the indictment charges you  
14 with theft of mail by postal employee in violation of  
15 Title 18, United States Code, Section 1709. How do you now  
16 wish to plead, guilty or not guilty?

17 THE DEFENDANT: Guilty.

18 THE CLERK: Thank you. You may be seated.

19 THE COURT: It is the finding of the Court in the  
10:29AM 20 case of United States vs. Shawn Herron that the defendant  
21 is fully competent and capable of entering an informed  
22 plea, that the defendant is aware of the nature of the  
23 charges and the consequences of the plea, and that the plea  
24 of guilty is a knowing and voluntarily plea supported by an  
25 independent basis in fact containing each of the essential

1 elements of the offenses charged.

2 The plea is therefore accepted, and the defendant  
3 is now adjudged guilty of those offenses.

4 Mr. Herron, as I've told you, a written  
5 pre-sentence report will be prepared by probation to assist  
6 me in determining your sentence. You'll be asked to give  
7 information for that report. Your lawyer may be present,  
8 if you wish. It's important that the report be accurate.  
9 It will not only affect what sentence you receive but what  
10:30AM 10 happens to you after you are sentenced. For example, if  
11 you are sent to prison, it will affect where you are sent  
12 and what happens to you when you arrive.

13 Even minor mistakes in the report should be  
14 corrected. You'll have a chance to read that report and to  
15 go over it with your lawyer and to make objections to it  
16 before the time of sentencing.

17 Both your lawyer and you personally will have the  
18 opportunity to speak on your behalf at the time of  
19 sentencing. I will therefore refer you to probation for  
10:31AM 20 the presentence investigation and the preparation of the  
21 report.

22 Before the pandemic that process usually took  
23 about 12 weeks to complete. It's taking a little longer  
24 now.

25 Matt, do you have a date?

1 THE CLERK: Thursday, February 17th at 2 p.m.

2 THE COURT: Thursday, February 17th at 2 p.m.

3 Does that work, Ms. Carris?

4 MS. CARRIS: It does, your Honor, thank you.

5 THE COURT: Mr. Grossberg.

6 MR. GROSSBERG: Yes, your Honor.

7 THE COURT: All right. And what was the  
8 government's position on release pending sentencing?

9 MS. CARRIS: Your Honor, Mr. Grossberg and I have  
10:31AM 10 discussed, and we do not object to Mr. Herron staying out  
11 on the conditions that have been previously set.

12 THE COURT: All right. Is this something where I  
13 need to find exceptional circumstances?

14 MS. CARRIS: It is, your Honor.

15 THE COURT: I find under the statute, is it 3145?

16 MS. CARRIS: I'm sorry, I don't know the statute  
17 off the top of my head, your Honor.

18 THE COURT: All right. I find under 18 U.S.C.,  
19 Section 3145(c) that it's been clearly shown that there are  
10:32AM 20 exceptional reasons why detention pending imposition of the  
21 sentence would not be appropriate, and the government has  
22 assented to release.

23 Mr. Herron, I'm going to release you on the same  
24 conditions that you've been under so far. Whatever  
25 obligations, requirements, restrictions you have are going

1 to continue. Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: The only thing that's changed is  
4 you're no longer presumed innocent, you've now pleaded  
5 guilty, and if something goes wrong or if you violate your  
6 conditions, that will be taken into account. Do you  
7 understand that?

8 THE DEFENDANT: I do.

9 THE COURT: Do you believe you understand the  
10:33AM 10 conditions of your release?

11 THE DEFENDANT: I do.

12 THE COURT: Do you have any questions for me about  
13 them?

14 THE DEFENDANT: No, sir.

15 THE COURT: I will order, as I said, release on  
16 the same conditions pending imposition of the sentence. Is  
17 there anything further, Ms. Carris?

18 MS. CARRIS: No, your Honor, thank you.

19 THE COURT: Mr. Grossberg.

10:33AM 20 MR. GROSSBERG: No, your Honor.

21 THE COURT: Thank you. We'll stand in recess.

22 THE CLERK: All rise.

23 (Whereupon, the hearing was adjourned at  
24 10:33 a.m.)

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C E R T I F I C A T E

UNITED STATES DISTRICT COURT )  
DISTRICT OF MASSACHUSETTS ) ss.  
CITY OF BOSTON )

I do hereby certify that the foregoing transcript,  
Pages 1 through 25 inclusive, was recorded by me  
stenographically at the time and place aforesaid in Criminal  
Action No. 20-10145-FDS, UNITED STATES of AMERICA vs.  
SHAWN HERRON and thereafter by me reduced to typewriting and  
is a true and accurate record of the proceedings.

Dated this November 1, 2021.

s/s Valerie A. O'Hara

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VALERIE A. O'HARA

OFFICIAL COURT REPORTER